III

(1)

DURATION OF THE MEETINGS OF THE COUNCIL IN DECEMBER 1922.

The hon. the PRESIDENT :—" The House is probably aware that we adjourn this evening after the work of the day is over till we meet again in December. The meeting in December will run from the 18th to the 22nd *idem*. So far as we can see at present, there will not be any Government work to justify a meeting in January 1923, but I cannot be quite positive on that. However, I hope later on to inform hon. Members what the chances are of our meeting in January 1923."

(2)

APPOINTMENT OF CHAIRMAN OF THE SELECT COMMITTEE ON 'A BILL TO PROVIDE FOR THE REORGANIZATION OF THE MADRAS UNIVERSITY, 1922'.

The hon. the PRESIDENT :—" I have to inform the House that under Standing Order No. 40 (3), I have appointed the hon. Rao Bahadur A. P. Patro, the Minister for Education, as Chairman of the Select Committee on the Bill to provide for the reorganization of the Madras University."

IV

A BILL TO AMEND THE MADRAS PORT TRUST ACT, 1905.

The hon. Mr. K. SRINIVASA AYYANGAR :—" Mr. President, since the last meeting when this Act was considered, I have got printed the original Act embodying all the amendments which have been carried out in the last sitting. The adjournment has given us a further opportunity of carefully scrutinizing the whole of the Act and it has also given us an opportunity of making amendments consequential on the amendments which were carried out on the last occasion. On examination it was found necessary to give notice of amendments which now appear on the agenda. I may also mention for the information of the House that even the amendments that are now proposed have been embodied in the printed Act and they have been shown in a different type. But the transitory provision which I am going to propose has not been embodied in the printed Act as that will be a separate section in the Bill, not being capable of being embodied in the original Act. With these preliminary observations, I beg to move amendment No. 1 to clause 4.

Clause 4.

" The amendment runs thus :—

1. In the proposed sub-section (11) *of section* 5, *after the words 'prescribed by rules' insert the words 'or by-laws'.*"

The hon. the PRESIDENT :—" Clause 4 has already been passed. Is it the wish of the hon. Member to amend the clause again? The proper course for the hon. Member is to deal first with clause 5 which is lying over from the last meeting, and after that is done, he can take the permission of the Council to amend again the clauses which have already been passed."

The hon. Mr. K. SRINIVASA AYYANGAR :—" Sir, under the Standing Orders, when a Bill is not passed at a particular stage, the Bill will have to be passed at the next sitting with such further amendments as may be proposed."

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The hon. the PRESIDENT :—"But clause 4 has already been passed and the hon. Member can only propose now amendments to the clauses which have not yet been passed by the Council."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I beg to submit that even clauses which have already been passed might be amended now. Standing Order No. 49 runs thus :—

(1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Council, the Bill may at once be passed.

(2) If any amendment be made, any member may object to the passing of the Bill at the same sitting; and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the Bill to pass.

(3) Where the objection prevails, *the Bill shall be brought forward again at a future sitting*; *and may then be passed with or without further amendment*."

The hon. the PRESIDENT :—"The hon. Member will see that no motion has yet been made that the Bill be passed into law. At present the hon. Member wants to amend a clause which has already been passed by the House. Now it seems to me that the only clause which can be amended at this stage is clause 5 which is lying over from the last sitting. After that is done, I think the hon. Member must obtain the leave of the House for re-opening some of the clauses which have already been passed."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I am entirely in the hands of the hon. the President, but as a question of principle, I respectfully beg to suggest to the hon. the President the following construction of the clause. If I remember right, it is on that construction that previous proceedings have taken place. As I understand the Standing Order, Sir, the Select Committee Report is submitted to the House and the hon. Member in charge of the Bill moves that the Bill be taken into consideration. Then the procedure is laid down as to whether the Bill shall be taken into consideration or not. It is laid down that any member may object to the Bill being taken into consideration if a copy of the report has not been available for the use of the Members for seven days and such objection shall prevail unless the President suspends the particular Standing Order. Then the Bill is considered. The hon. the President has got power to put the Bill clause by clause (and that has been done in this case as far as clause 4). Then amendments are moved to these clauses and the amendments are either accepted or rejected. Then according to the procedure which we have got under Standing Order No. 48, the President puts the question that the particular clause or, as the case may be, the clause as amended do stand part of the Bill. After all the clauses are passed, the motion may be made that the Bill as amended be passed into law. At that time objection may be taken by a member that it shall go over to the next sitting, the object of that being to see whether all amendments consequential on the amendments previously passed have been made and also to see whether any of the previous amendments properly fit in, in the Bill. It will be more or less a formal scrutiny of language and also for the purpose of finding out whether any consequential changes are required. When it is adjourned, even though every single clause of the Bill has been voted upon and made part of the Bill, yet amendments could be proposed at the next sitting to almost every clause that has been passed. That, I think, is a privilege that is given under Standing Order No. 49 (3).

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"In this connexion, I may also remind you, Sir, that this has happened on two previous occasions. Even after the Bill has been passed, when it goes to the Governor, he can return it to the Council for reconsideration. The point or points referred for reconsideration should be put before the Council by the President and the Bill should be discussed and voted upon in the same manner as amendments to the Bill. This procedure has been followed on previous occasions. I submit, Sir, that the stage has not yet passed for putting in amendments to the clauses which have already been passed by the Council. In this view of the matter, it does not require the sanction of the Council to move amendments to clauses which have already been passed by the House."

The hon. the PRESIDENT:—"I am in perfect agreement with the hon. the Law Member in almost everything except his last sentence. I entirely agree with what he has stated about the passing of the Bill into law. But we have not come to the final stage of passing the Bill into law. No doubt when a Bill is adjourned for final passing, it is open to hon. Members to bring amendments to clauses which have already been passed. We have not yet come to that stage and we are still considering the report of the Select Committee and in considering that report we have passed a number of clauses and the only things that remain to be considered are clause 5 and the preamble. The hon. Member now wants to move amendments to a number of other clauses which, after consideration of the report of the Select Committee and after due amendments, have already been passed. I believe the only point of difference between the hon. the Law Member and myself is this: he seems to think that until the Bill is finally put to the vote, the Government may propose amendments from time to time even to clauses which have been passed already; my point is the stage for moving amendments is only one and it cannot be split up into a number of periods, and if, after the passing of the Bill clause by clause, the Government want to go back to some of the other clauses and propose amendments, they must do so only with the permission of the Council. I dare say the House will give its assent in all reasonable cases."

The hon. Mr. K. SRINIVASA AYYANGAR:—"I bow to your ruling, Sir."

Clause 5.

11-15 a.m. Rao Bahadur P. C. ETHIRAJULU NAYUDU did not move the following amendment:—

In line 1 of paragraph 2 of the proposed section 7 for the word 'four' substitute the word 'six'.

Mr. V. P. PAKKIRISWAMI PILLAI did not move the following amendment:—

In line 1 of paragraph 2 of the proposed section 7 for the word 'four' substitute the word 'six'.

The hon. Mr. K. SRINIVASA AYYANGAR:—"I move that for the proposed section 8 (1) the following be substituted. It is really an incorporation of the amendment passed at the instance of Mr. Pakkiriswami Pillai with a slight change in the language so as to correctly name the bodies for whom he wanted to give representation. The section as changed runs as follows:—

The Chairman shall be appointed by the Local Government. Of the remaining trustees four shall be elected by the members for the time being of the Madras Chamber of Commerce, two by the members for the time being of the

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Clause 5—cont.

Southern India Chamber of Commerce, two by the members for the time being of the Madras Trades Association and one each by the members for the time being of the Southern India Skin and Hide Merchants' Association and Madras Piece-goods Merchants' Association at a meeting of the members of the Chamber or the Association concerned convened in accordance with the rules of such Chamber or Association."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur seconded the motion.

The motion was put and carried and the substitution was made.

The hon. Mr. K. SRINIVASA AYYANGAR :—"There is only one other amendment and it is this. In consequence of the amendment made to section 8 and carried out on the last occasion a consequential amendment is required in section 13 of the proposed Bill. I shall ask the permission of the House to make the amendment if the President rules that clause 5 can stand part of the Bill."

Rai Bahadur T. M. NARASIMHACHARLU :—"What he proposes to move is put down under clause 5 according to the agenda given to us. It is a mistake."

The hon. Mr. K. SRINIVASA AYYANGAR :—"I think Mr. Narasimhacharlu is right because clause 5 of the Bill covers sections 7 to 17. In the same clause in the proposed section 13, *for* the words 'Chamber of Commerce or the Trades Association as the case may be' *substitute* the words 'Chamber or Association concerned'. This is necessitated owing to the addition of two more associations as being bodies entitled to representation."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur seconded the motion.

The motion was put and carried and the substitution was made.

Clause 5 as amended was put to the House and carried and allowed to stand part of the Bill.

The hon. Mr. K. SRINIVASA AYYANGAR :—"May I request the permission of the House to move a few verbal changes which on examination was found either convenient or necessary. When I say convenient I may draw the attention of the House to one or two of the amendments which have been given to the original sections which are not proposed to amend. Reference has been made in those sections to Acts which were then in force and which have been repealed since and re-enacted in a new form. Now that you are making an amendment, though so far as legal construction is concerned, it may not affect, it looks neater to substitute the later Act for the older Act. For instance, the Agricultural Loans Act of 1879 has been repealed and re-enacted as a new Act of 1914. So instead of 1879, I want 1914. The Indian Ports Act of 1889 has been repealed by a new Act of 1908. We thought it proper, Sir, when we are now amending the Bill to carry out these amendments in those sections also, so as to note that the Acts which we are referring to are the new Acts. That is what I mean by convenient amendments.

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"There are one or two amendments which have been necessitated by the splitting of one or more sections of the old Act into two or more in the new Bill. It is for that purpose that I propose to move the remainder of the amendments.

"Then there is one other provision, which is a transitory provision, which is necessitated owing to the change made in enlarging the number of electorates according to the wish of the House in the proposed sections. Those in general are the nature of the amendments and I request the permission of the House to move them."

The leave asked for was then granted by the House.

The hon. Mr. K. Srinivasa Ayyangar :—"I move

That in clause 4 in the proposed sub-section (11) *of section* 5, *after the words 'prescribed by rules' insert the words 'or by-laws'*.

"Hon. Members have got a copy of the Bill as amended and if they turn to page 2 they will find that 'prescribed' means 'prescribed by rules or by-laws made under this Act.' There are sections under the Act which provide for the making of the rules which are called by-laws by the board. In order to make the draft perfect we desire to add 'or by-laws' to that section or sub-section in the definition. Hon. Members would see that with that addition the definition of 'prescribed' will read as 'prescribed by rules or by-laws'."

The hon. Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur seconded the motion.

The motion was put and carried and the insertion was made.

The hon. Mr. K. Srinivasa Ayyangar :—"I go now to clause 16 of the Bill:

In the proposed section 41-*A* (3), *for the words and figures* '*or section* 43' *substitute the words and figures* '*section* 43 *or section* 43-*A*'.

"As I previously explained to the House, the original sections 42 and 43 were split up into three sections and are reproduced as 41, 42 and 43-A. In enumerating them in one of the sections 43-A was omitted and it is for the purpose of inserting it that this amendment is moved."

The hon. Sir Charles Todhunter seconded the motion.

The motion was put and carried and the substitution was made.

The hon. Mr. K. Srinivasa Ayyangar :—"The next amendment that I propose is :

In the proposed section 41-*A* (4), *for the word and figures* '*and* 43' *substitute the word and figures* '43 *and* 43-*A*'.

"It is also a similar case."

The hon. Sir Charles Todhunter seconded the motion.

The motion was put and carried and the substitution was made.

The hon. Mr. K. Srinivasa Ayyangar : —"The next amendment that I move is to add a new clause after clause 31 for the purpose of carrying out verbal amendments, as I mentioned, to the existing sections which we did not touch in the Bill at all. It is for the purpose of correcting the years of the Acts that I am adding a new clause."

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New clause after clause 31.

11-30 a.m. The hon. Mr. K. SRINIVASA AYYANGAR :—" Sir, I beg to move

Add the following as clause 32 :—

32 (1) *In section* 38 *of the Principal Act for the words and figures 'the Local Authorities Loan Act,* 1879' *the words and figures 'the Local Authorities Loans Act,* 1914' *shall be substituted.*

(2) *In section* 44 *of the Principal Act—*

(*a*) *In sub-section* (1) *for the words and figures 'Or section* 43' *the words and figures 'section* 43 *or section* 43–*A' shall be substituted.*

(*b*) *In sub-section* 3 *for the word and figures 'Or* 43' *the words and figures 'section* 43 *or section* 43–*A' shall be substituted.*

(3) *In section* 46 *of the Principal Act, for the words and figures 'Or section* 43' *the words and figures 'section* 43 *or section* 43-*A' shall be substituted.*

(4) *In sections* 49, 91, 95 *and* 111 *of the Principal Act, for the words and figures 'the Indian Ports Act,* 1889' *the words and figures 'the Indian Ports Act,* 1908' *shall be substituted.*

(5) *In section* 100 *of the principal Act, for the words and figures 'the proviso to sub-section* (1) *of section* 7' *the words and figures "clause* (*e*) *of sub-section* (1) *of section* 10' *shall be substituted."*

The hon. Sir CHARLES TODHUNTER :—" I second it."

The motion was put and carried. The new clause was added to the Bill.

The hon. Mr. K. SRINIVASA AYYANGAR :—" Sir, I beg to move

Add the following as clause 33 :—

33. On the coming into force of this Act, the term of office of the Trustees then holding office other than the Chairman shall expire on such date or dates as the Local Government shall determine; and the Local Government shall make the appointments and cause arrangements for elections to be made under section 8 *so that the newly appointed and elected Trustees may come into office on the date or dates fixed for the retirement of the former Trustees.*

" This is only a transitory provision. The Board is a continuous one. It will carry on the work till the new trustees come in. It is for the purpose of preserving the continuity, as otherwise there would be some difficulty, that this transitory provision is proposed to be introduced."

The hon. Sir CHARLES TODHUNTER :—" I second it."

The motion was put and carried. The clause was added to the Bill.

The preamble was then put and passed.

The hon. Sir CHARLES TODHUNTER :—" Sir, I now beg to move that the Bill as amended be passed into law."

The hon. Mr. K. SRINIVASA AYYANGAR :—" I second the motion."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, the other day it was mentioned that consequent on the addition of two members there might be a necessity of altering the maximum number, 15, in the Act. It was then thought that there were 14 members at present and the addition of two

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members meant 16. Consequently, it was suggested by the Government that the maximum number should be increased. May I know, Sir, how that difficulty is sought to be met?"

The hon. Sir CHARLES TODHUNTER :—"Sir, we have arranged to meet that difficulty by reducing the number of nominated members by two."

The motion that the Bill as amended be passed into law was put and carried. The Bill as amended was passed into law.

The hon. Mr. K. SRINIVASA AYYANGAR :—"May I say a word, Sir? I am extremely sorry for having inconvenienced the House by proposing various amendments due to clerical errors. I do not want to dilate on the causes which led to those amendments. But I do want to apologize to the House for these errors, on behalf of the Government."

V

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Postponement of resettlement proposals.

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I beg to move the following resolution :—

That this Council recommends to the Government that the adoption of resettlement proposals in the Presidency may be postponed pending legislation embodying the principles of land revenue settlement or introduction of the permanent settlement of holdings.

"I think, Sir, I have a very easy matter in commending this resolution for the acceptance of this House; for, as a matter of fact, this House has on more than one occasion given its approval to the principle enunciated in this resolution. In February 1921, a resolution was brought in this House to this effect :

That this Council recommends to the Government that the adoption of resettlement proposals in the Presidency may be postponed till the principles of land revenue settlement are embodied in legislation.

"The debate on that occasion was, in the words of the hon. the Revenue Member, a 'full dress debate'. As many as 22 hon. Members took part in the discussion. The hon. the Revenue Member and the hon. the Finance Member spoke for the Government opposing the resolution; and I think, without exception, all the other Members were of opinion that the method by which the present resettlement operations were conducted was unsatisfactory and, with the single exception of Mr. S. T. Shanmukham Pillai, all the others were unanimously of opinion that there should be no resettlement operations in the Presidency, or rather that the introduction of new rates as a result of resettlement operations should be postponed till the principles underlying them were embodied in a statute. The hon. the Revenue Member, of course, spared no exertions to dissuade the House from accepting that resolution. But even he with all his eloquence cannot achieve the impossible. The resolution was in the end carried by 76 votes against 17 and, if we analyse the voting list, we will find that all opinion which was not official was in its favour. It is not necessary for me, Sir, now to dilate upon the many arguments advanced on that occasion in support of the resolution.